

THE LEICESTERSHIRE COUNTY COUNCIL
(A426 LEICESTER ROAD, GLEN PARVA) DISTRICT OF BLABY
(BUS LANES) ORDER 2013

The Leicestershire County Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3) and 4(1) to (2), 5 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and by virtue of both The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Leicestershire) Order 2007 (Statutory Instrument 1582)(as amended) made by Order under Section 43 and Schedule 3 of the Road Traffic Act 1991 and The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No.4) Order 2007 (Statutory Instrument 1585) made by the Secretary of State for Transport pursuant to Section 144 of the Transport Act 2000 ("The Act of 2000"), and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby makes the following Order:-

GENERAL

CITATION AND COMMENCEMENT

This Order may be cited as "The Leicestershire County Council (A426 Leicester Road, Glen Parva) District of Blaby (Bus Lanes) Order 2013" and shall come into force on the third day of June 2013.

ARRANGEMENT OF SECTIONS

PART 1

1.1 INTERPRETATION

1.2 DEFINITIONS – Applying to all parts of this Order.

1.3 CONTRAVENTIONS AND ENFORCEMENT

PART 2

2.0 ARTICLE 1: PROHIBITION OF DRIVING (BUS LANE) (Paragraphs 2.1 – 2.9)

SCHEDULE 1 – STANDARD EXEMPTIONS

SCHEDULE 2 – PROHIBITION OF DRIVING (BUS LANE)

PART 1

1.1

INTERPRETATION

1. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
2. The restrictions and prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.
3. Except where the context requires otherwise, any reference in this Order to a Schedule or Article shall be construed as a reference to that Article or Schedule in this Order.
4. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
5. Any reference in this Order to a road by its name shall be construed as a reference to the road in the County of Leicestershire bearing that name as identified and defined in the National Street Gazetteer.
6. Headings are for convenience only and do not affect the construction of this Order.

1.2

DEFINITIONS

7. In this Order except where the context otherwise requires the following expressions shall have the meaning hereby assigned to them:-
 - i) "approved device" means a device of a description specified in an Order made by the Relevant National Authority in line with Section 144 of the Act of 2000 and adhering to The Bus Lane (Approved Devices) (England) Order 2005.
 - ii) "approved Local Authority" means a Local Authority which is a member of the Bus Lane Adjudication Service Joint Committee, that is authorised by the Council to act on its behalf for the purposes of section 144 of the Act of 2000 in exercising its functions in accordance with Regulation 12 of The Bus Lane Contravention (Penalty Charge, Adjudication Enforcement) (England) Regulations 2005.
 - iii) "Authorised Officer" means a person appointed by the Council to record, detect and act on contraventions to this Order by the means of an approved device.
 - iv) "bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions;

- v) "bus lane" means an area of road which meets the definition given in Section 144(5) of the Transport Act 2000 being that an area of road is or forms part of a bus lane if the order provides that it may be used—
 - (a) only by buses (or a particular description of bus), or
 - (b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic
 and is delineated by markings and/or signs as prescribed in the Traffic Signs Regulations and General Directions or otherwise authorised by the Relevant National Authority.
- vi) "bus only street" and "bus gate" has the same effect as if they were a bus lane.
- vii) "carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.
- viii) "CEO" means a Civil Enforcement Officer as defined in the Traffic Management Act 2004 and appointed by or on behalf of the Council.
- ix) "Council" means Leicestershire County Council as defined in the Local Government Act 1972 and any reference in this Order to any action or process to be undertaken by the Council shall also mean any such action or process that shall be carried out by any other local authority (within the meaning of the Local Government Act 1972) as shall have entered in to arrangements with the Council under the Local Government Act 1972 or the Local Government Act 2000 or under the Local Government (Discharge of Functions) Regulations 2000 (as amended).
- x) "cycle" means a pedal cycle not being propelled by mechanical power.
- xi) "City" means the City of Leicester.
- xii) "contraflow bus lane" means a one way road with an area of road which meets the definition of bus lane allowing the passage of vehicles in the prohibited direction.
- xiii) "contravention" means a failure to comply with restrictions and prohibitions set out in this Order that may result in the issue of a penalty charge notice.
- xiv) "Director" means the Director of the Environment and Transport Department or any successor Department of the Council or any Officer duly authorised by the Director.
- xv) "date of service" means the last day of the period of 3 consecutive working days beginning with the first day of posting. If the notice is

not posted on a working day, the first working day after the date of posting will be the first day of posting.

- xvi) "detection date" means the date on which a vehicle was detected as contravening this Order, according to the record produced by an approved device.
- xvii) "driver" means an individual authorised to drive a vehicle who has allegedly contravened this Order that may not necessarily be the owner or keeper of that vehicle and therefore, when identified, shall be responsible for payment of the Penalty Charge.
- xviii) "Fixed Penalty Notice" has the same meaning as Part III (Section 52) of the Road Traffic Offenders Act 1988.
- xix) "footway" means a way constituting or comprised in a highway a way (other than a cycle track) over which the public have a right of way for the passage of pedestrians.
- xx) "hours of operation" means the period specified in Column 5 of Schedule 2 being the period during which a designated bus lane restriction applies.
- xxi) "motor cycle" and "motor vehicle" have the meaning as in section 136 of the Act.
- xxii) "one way street" means a highway in which the driving of vehicles otherwise than in the direction as indicated in the relevant Order is prohibited.
- xxiii) "owner" in relation to a vehicle, means the person in whose name a vehicle is registered at the relevant time under the Vehicle Excise and Registration Act 1994.
- xxiv) "PCN" means a Penalty Charge Notice.
- xxv) "pedal cycle" means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the Act.
- xxvi) "penalty charge" means either a Penalty Charge or Reduced Penalty Charge.
- xxvii) "penalty charge" and "reduced penalty charge" means a charge set by the Council under regulation 4 of The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005("the 2005 regulations") and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.
- xxviii) "penalty charge notice (PCN)" means a notice issued by a person authorised to do so by the Council pursuant to the provisions of regulation 8 of The Bus Lane Contraventions (Penalty Charge,

Adjudication and Enforcement) (England) Regulations 2005 ("the 2005 Regulations").

- xxix) "Relevant National Authority" means the Secretary of State in respect to England.
- xxx) "relevant particulars" means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994.
- xxxi) "road marking" means a traffic sign consisting of a line or mark or legend on the surface of the road of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.
- xxxii) "statutory grounds" means grounds for appeal defined in regulation 9.2 of the 2005 Regulations.
- xxxiii) "traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.
- xxxiv) "taxi" means a Hackney Carriage vehicle licensed under section 37 of the Town Police Clauses Act 1847.
- xxxv) "vehicle" means:-
 - (a) a mechanically propelled vehicle, intended or adapted for use on the road;
 - (b) a pedal cycle in actual use for the purpose of cycling.

- 8. Unless otherwise stated all restrictions specified in this Order shall be deemed to apply to the whole of the carriageway as defined by and at the location specified in Column 2 of Schedule 2 to this Order.

1.3

CONTRAVENTIONS AND ENFORCEMENT

- 9. Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order the Council or approved Local Authority will serve a Penalty Charge Notice (PCN) in accordance with the 2005 Regulations:-
 - (a) on the person appearing to be the owner or keeper of the vehicle;
or
 - (b) on the driver.
- 10. The Council or approved Local Authority will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of "Approved Device".

11. A PCN shall be served before the end of the period of 28 days beginning with the detection date, the Council shall continue to be entitled to serve a PCN during a further period of six months, beginning with the detection date, provided that: -
 - (a) the approved Local Authority has made a request within 14 days of the Detection Date to the Relevant National Authority for the supply of Relevant Particulars, *and*
 - (b) those particulars have not been supplied before the date after which the Council or approved Local Authority would not be entitled to serve a PCN by the virtue of this Order.
12. If a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the Council pursuant to Regulations under Section 144 of the Act of 2000 the Penalty Charge is to be paid in the manner described in the notice within 28 days of the Date of Service of the PCN or within 14 days of the Date of Service of the PCN in the case of a reduced penalty charge.
13. When the owner, keeper or driver has been identified the Council or approved local Authority will issue a PCN in accordance with this Order and send the PCN by first class post.
14. A PCN must state: -
 - (a) the registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle involved in the alleged contravention;
 - (b) the date and time at which the Authorised Officer first noticed that a contravention of this Order had occurred in respect of the date known as the Contravention Date;
 - (c) the grounds on which the Authorised Officer believes that a Penalty Charge is payable with respect to that vehicle;
 - (d) the amount of the Penalty Charge which is payable;
 - (e) that the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of service of the PCN;
 - (f) that if the penalty charge is paid before the end of the period of 14 days beginning with the Date of Service of the PCN, it shall be reduced by one half;
 - (g) that representations may be made on any of the Statutory Grounds of appeal, to the Council against the imposition of the Penalty Charge but that representations made outside the 28 day period may be disregarded;

- (h) what are the Statutory Grounds of appeal;
 - (i) the postal address to which representations are to be sent;
 - (j) any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;
 - (k) that, if the Penalty Charge is not paid and no representations have been made before the end of the 28 day period from the Date of Service, the Council may increase the Penalty Charge by half and take steps to enforce payment of the charge as so increased;
 - (l) the manner in which the penalty charge may be paid;
 - (m) that if the representations are rejected by the Council, an appeal may be made on any of the Statutory Grounds to an adjudicator in respect of a Penalty Charge;
 - (n) the recipient of the PCN, may by notice in writing to the Council or approved Local Authority request that an office be made available during normal office hours as specified on the PCN, for the purpose of viewing by him free of charge and by his representative (if any), the recording of the alleged contravention produced by the Approved Device pursuant to which the PCN was imposed and / or to provide him with still images from that recording as, in the opinion of the Council or approved Local Authority, establish the contravention;
 - (o) the date of issue, being the date on which the PCN was produced by the Council or approved Local Authority;
 - (p) the address to which payment of the Penalty Charge must be sent.
15. Where a Police Officer in uniform is satisfied that a driver of a vehicle has committed an alleged offence under the provisions of this Order such that liability to a Fixed Penalty Notice arises, a police officer may issue such a notice at the time and date of the alleged offence to the driver of the vehicle, which shall include the particulars listed in Section 52 of The Road Traffic Offenders Act 1988.
16. Where the owner, keeper or driver has been issued a PCN by the Council or approved Local Authority and it is proven by the owner, keeper or driver that he was also issued a Fixed Penalty Notice or a Summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its PCN or where the PCN was paid in accordance with this Order the amount that was paid will be refunded in full as soon as reasonably practicable.

17. If a Court, the Department for Transport, the Bus Lane/National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART 2

2. ARTICLE 1: PROHIBITION OF DRIVING (BUS LANE)

- 2.1 Save as provided in this Article, no person shall, except with the permission of a Police Officer in uniform, cause any vehicle to be in and/or proceed in any of the lengths of road specified in Column 2 of Schedule 2 of this Order during the times specified in Column 5 of that Schedule.

- 2.2 Nothing in Paragraph 2.1 of this Article shall apply to any vehicle, which is of one or more of the categories specified, in Column 4 of Schedule 2 of this Order, in relation to each road or length of road specified in Column 2 of the said Schedule. Such categories have the same meanings as ascribed to them by the referenced letters as defined in Schedule 1 of this Order.

- 2.3 Nothing in Paragraph 2.1 of this Article shall apply to:-

- (i) a pedal cycle;
- (ii) a bus; or
- (iii) an Authorised Vehicle; or
- (iv) a taxi.

when it is indicated on the relevant sign and is erected in accordance with the Traffic Signs Regulations and General Directions, in relation to each road or length of road specified in Column 2 of the said Schedule.

- 2.4 In Paragraph 2.3(iii) of this Article "Authorised Vehicle" means as follows:-
Not allocated.

- 2.5 Nothing in Paragraph 2.1 of this Article shall apply to a vehicle being used for operational purposes by the Emergency Services, whereby such vehicle is making use of visual and/or audible warning devices and it is necessary for said vehicle to be in the road or length of road specified in Column 2 to Schedule 2 of this Order in order to fulfil its operational duties.

- 2.6 Nothing in Paragraph 2.1 of this Article shall apply to any of the following vehicles:-

- (i) a highway cleansing vehicle being used for highway cleansing purposes;
- (ii) a gritting vehicle being used to carry out its statutory duty;

- (iii) a liveried camera enforcement car which is being used for the purpose of capturing a record using an Approved Device of a contravention of any prohibitions, restrictions or provisions of this Order;
- (iv) a vehicle being operated by Network Rail when responding to an incident on the rail network provided that it is reasonably necessary for the vehicle to enter the bus lane.

2.7 Nothing in Paragraph 2.1 of this Article shall apply to a vehicle being used in connection with the maintenance improvement or reconstruction of the bus lane or the placing, maintenance or removal of any traffic sign, "Bus Stop", bus shelter and notices or other things attached or to be attached thereto, provided that in all the circumstances it is reasonably necessary for the vehicle to enter the bus lane.

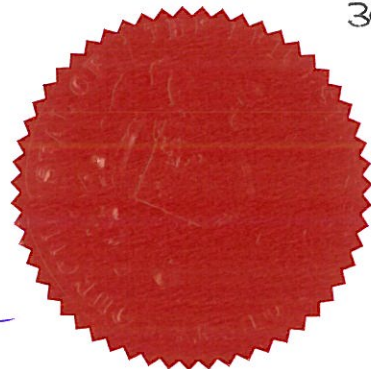
2.8 Nothing in Paragraph 2.1 of this Article shall so long as necessary for any vehicle to cross the bus lane to gain access to or egress from premises and/or any side road adjacent to that length of road over which the lane passes.

2.9 It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 2 to this Order provided that the vehicle is obliged to do so in order to avoid an accident.

**THE COMMON SEAL of THE
LEICESTERSHIRE COUNTY COUNCIL**
was hereunto affixed this 30th day of
May 2013
in the presence of:

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)
)
)
)

Lawrence



30232

SCHEDULE 1

TYPE OF EXEMPTION	CODE
For vehicles to allow people to board or alight.	LCCA
For vehicles used in connection with:- (i) building, industrial or demolition operations; (ii) the removal of any obstruction to traffic; (iii) the maintenance, improvement or reconstruction of the said sides of roads; or (iv) the laying, erection, alteration or repair on, or in land adjacent to the said sides of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telecommunications Act 1984.	LCCB
For vehicles to be used in the service of a local authority, highways agency, an area health authority or a water undertaker in pursuance of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to be positioned in the place where it is waiting.	LCCC
For vehicles to be used for the purpose of delivering or collecting postal packets as defined the Postal Services Act 2000 by any universal service provider.	LCCD
For vehicle to take in petrol, oil water or air from any garages situated on or adjacent to the said sides of roads	LCCE
For vehicles to wait at or near to any premises situated on or adjacent to the said sides of roads for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.	LCCF
For vehicles to be used for fire brigade, ambulance or police purposes.	LCCG
For goods to be loaded on or unloaded from the vehicle on the sides of roads specified in this Order.	LCCH
For Vehicles: (a) to wait upon an authorised parking place, (b) being a hackney carriage, to wait upon an authorised cab rank, or (c) licensed taxi.	LCCI
For a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait on the sides of roads referred to in that Schedule for a period not exceeding three hours (not being	LCCJ

a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side of road on the same day) provided that no such vehicle shall wait in any length of road where there is for the time being a prohibition of loading and unloading.	
For vehicles to wait on the sides of roads referred to therein for so long as may be necessary while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has just emerged is being opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than in that road while such a gate or barrier is opened or closed.	LCKK
Any vehicle bona fide associated or used in connection with or for the purpose of licensed markets or special events.	LCCL
Where the person in control of the vehicle is directed or given permission to stop by a police officer, community support officer or a civil enforcement officer.	LCCM
To enable any motor vehicle that is constructed or adapted for the purpose of carrying monies or valuables under secure deposit and which is in use on a pre-arranged appointment for the delivery or collection of monies, financial instruments or valuables (for such a period of time as reasonably required to complete the delivery or collection) to any premises on the sides of road.	LCCN
The Article shall not prevent waiting by vehicles carrying children from and to school on normal school days	LCCO
Nothing shall render it unlawful for the owners or occupiers for the time being of the three properties No's 2, 4 and 6 Baines Lane, Hinckley to cause or permit any vehicle to wait in the length of road or side road specified in the Third Schedule to this Order for a period not exceeding 1 hour between the hours of 8.30am and 6.00pm (Monday to Saturday inclusive) and without limitation on Sundays.	LCCP
Nothing shall render it unlawful to cause or permit any vehicle to wait in connection with the maintenance or repair of any premises adjoining the roads which can only be carried out from the road being such works as are required to be carried out to comply with any statutory obligation condition or stipulation subject to such waiting being limited to a maximum of two hours in any period of 24 hours.	LCCQ
Nothing shall render it unlawful to cause or permit a public service vehicle to stop for a longer time than is necessary for taking up and setting down passengers at any time on any day on the east side of Melbourne Road fronting the coach depot occupying 211/213 Melbourne Road	LCCR
For any disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking	LCCS

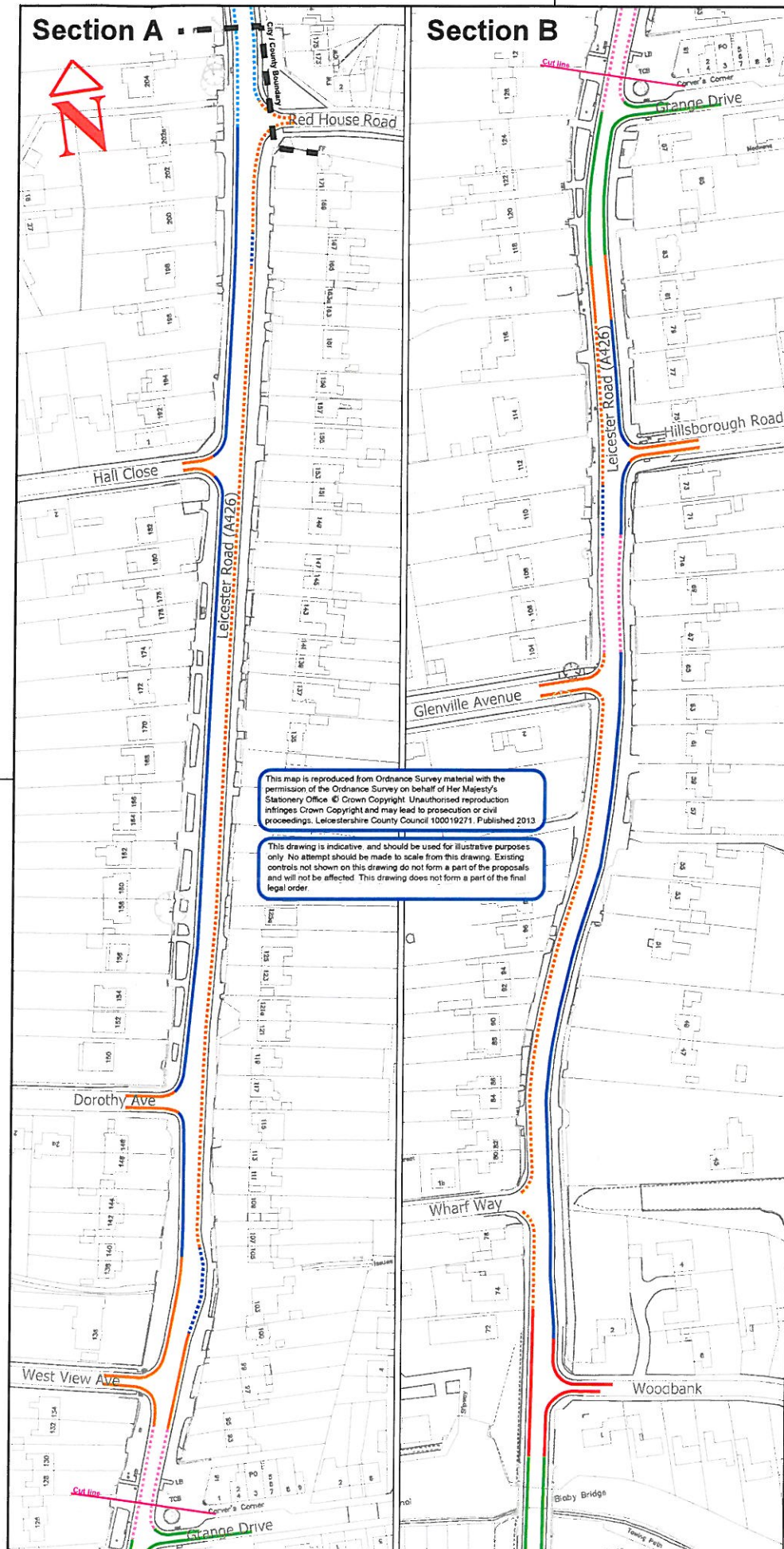
badge (on which the driver or other person in charge of the vehicle has marked the time at which waiting began) to wait, load or unload in those parts of the road specified in the schedule to this order for a period not exceeding 3 hours, with no return within 3 hours.	
If the vehicle is being used to attend any of the properties numbered 2-30 Mantle Lane, but for the purposes of loading/unloading of goods or equipment at such property only	LCCT
If the vehicle is an official wedding or funeral car attending any of the properties numbered 2 -30 Mantle Lane for the purpose of allowing passengers to board or alight.	LCCU
For any vehicle in excess of 7.5 tonnes loading or unloading on that part of Biggin Street between its junction with Fennel Street and a pint 35 metres north of its junction with Swan Street, such vehicle shall have entered Biggin Street from its junction with Fennel Street between the hours of 4.00p.m. to midnight and midnight to 10.00 a.m.	LCCV
Nothing shall render it unlawful to cause or permit any vehicle to wait on the triangular area or highway not comprising part of the main carriageway fronting Nos 9 and 19 Station Road, Hugglescote	LCCW
Nothing shall render it unlawful to cause any vehicle to enter Market Place if the vehicle is a vehicle- (a) in the service of a Police or Fire or Health or Local Authority and is being used for Police, Fire, Ambulance or Local Authority purposes as the case may be; being used by a resident of Market Place for the purpose of gaining access to his place of residence there.	LCCX
For a disabled person's vehicle which displays in the relevant position a disabled person's badge and a parking disc (on which the driver, or other person in charge of the vehicle, has marked the time at which the period of waiting began) to wait in the designated parking place.	LCCY

SCHEDULE 2
PROHIBITION OF DRIVING (BUS LANE)

SCHEDULE 2: PROHIBITION OF DRIVING (BUS LANE)				
Column 1	Column 2	Column 3	Column 4	Column 5
Item No.	Length of Road	Direction of Travel	Exemptions	Duration
1	<u>Leicester Road (Bus Lane)</u> (east side)			
i)	From a point 1 metre north of the boundary of property nos. 75 and 77 Leicester Road in a southerly direction to a point 20 metres north of its junction with Woodbank	Southbound	LCCA, LCCB, LCCC, LCCD, LCCG, LCCK, LCCN	At Any Time
2	<u>Leicester Road (Bus Lane)</u> (west side)			
i)	From a point 5 metres north of the boundary of property nos. 144 and 146 Leicester Road in a northerly direction to the Leicester City / Leicestershire County boundary	Northbound	LCCA, LCCB, LCCC, LCCD, LCCG, LCCK, LCCN	At Any Time

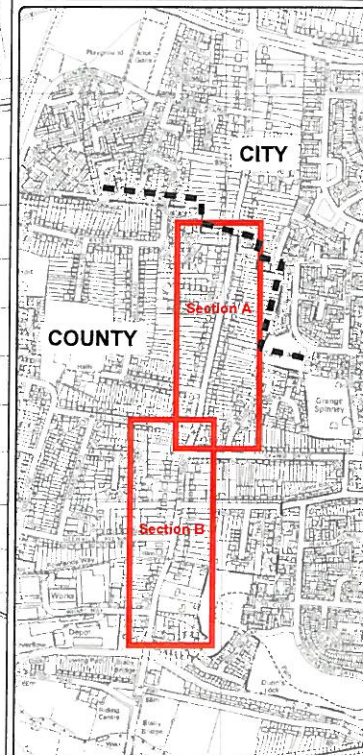
Section A

Section B



KEY

- Proposed Bus Lane, 24 hrs
No waiting / loading at any time
- Proposed bus stop clearway, no
stopping at any time except for buses
- Proposed double yellow lines (no
waiting at any time) and no loading
at any time
- Proposed double yellow lines (no waiting
at any time) and no loading Mon-Sat,
7.30am-9.30am & 4.30pm - 6.30pm
- Proposed double yellow lines
(no waiting at any time)
- Proposed toucan crossing. Area to be
covered by zig zags (no stopping at any
time)
- Existing double yellow lines to
remain (no waiting at any time)
- Existing no stopping at any time (area
controlled by signal crossing zig zags)



**Leicestershire
County Council**

ENVIRONMENT AND
TRANSPORT DEPARTMENT



**MATTHEW LUGG
DIRECTOR**

B.Eng., C.Eng., MICE., MCIT., DMS

**TRAFFIC & SAFETY
GROUP**



TRAFFIC MANAGEMENT

TITLE:
VARIOUS ROADS
GLEN PARVA
DISTRICT OF BLABY
A426 BUS LANE CORRIDOR
PROPOSED BUS LANE & PARKING CONTROLS

DRAWING NUMBER	SCALE
TM3991(1)/1/2012	NTS
PREPARED BY: M. ARCHER	DATE: 28 JANUARY 2013
CHECKED BY: M. PALFREYMAN	SIZE: A3
APPROVED BY: M. PALFREYMAN	SECTION: TM

COUNTY HALL * GLENFIELD * LEICESTER * LE3 8RJ

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